

House Engrossed

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**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
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Second Regular Session
2008

CHAPTER 143

HOUSE BILL 2093

AN ACT

AMENDING SECTIONS 28-672, 28-675, 28-676 AND 28-797, ARIZONA REVISED
STATUTES; RELATING TO SCHOOL CROSSINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-672, Arizona Revised Statutes, is amended to
3 read:

4 28-672. Causing serious physical injury or death by a moving
5 violation; classification; penalties

6 A. A person is guilty of causing serious physical injury or death by a
7 moving violation if the person violates any one of the following and the
8 violation results in an accident causing serious physical injury as defined
9 in section 13-105 or death to another person:

- 10 1. Section 28-645, subsection A, paragraph 3, subdivision (a).
- 11 2. Section 28-772.
- 12 3. Section 28-792.
- 13 4. Section 28-794.
- 14 5. Section 28-797, subsection ~~E~~ F, ~~or~~ G, H OR I.
- 15 6. Section 28-855, subsection B.
- 16 7. Section 28-857, subsection A.

17 B. A person who violates this section shall attend and successfully
18 complete traffic survival school training and educational sessions that are
19 designed to improve the safety and habits of drivers and that are approved by
20 the department. In addition, the court may order the person to perform
21 community restitution.

22 C. The court shall report a conviction for a violation of this section
23 to the department and may direct the department to suspend the person's
24 driving privilege for not more than ninety days if the violation results in
25 serious physical injury as defined in section 13-105 and not more than one
26 hundred eighty days if the violation results in death.

27 D. If a person's driving privilege is suspended pursuant to any other
28 statute because of an incident involving a violation of this section, the
29 suspension period prescribed in subsection C of this section shall run
30 concurrently with the other suspension period.

31 E. If a person fails to successfully complete traffic survival school
32 training and educational sessions or perform community restitution pursuant
33 to this section, the court shall notify the department and the department
34 shall promptly suspend the driver license or permit of the driver or the
35 privilege of a nonresident to drive a motor vehicle in this state until the
36 order is satisfied.

37 F. If the person who suffers serious physical injury as a result of a
38 violation of this section appears before the court in which the action is
39 pending at any time before trial and acknowledges receipt of satisfaction for
40 the injury, on payment of the costs incurred, the court shall order that the
41 prosecution be dismissed and the defendant be discharged. The reasons for
42 the order shall be set forth and entered of record, and the order shall be a
43 bar to another prosecution for the same offense.

1 G. Restitution awarded pursuant to section 13-603 as a result of a
2 violation of this section shall not exceed ten thousand dollars.

3 H. A person who violates this section is guilty of a class 3
4 misdemeanor, except that if the violation results in the death of another
5 person the maximum fine for the person shall be one thousand dollars.

6 Sec. 2. Section 28-675, Arizona Revised Statutes, is amended to read:

7 28-675. Causing death by use of a vehicle; classification

8 A. A person is guilty of causing death by use of a vehicle if all of
9 the following apply:

10 1. The person is not allowed to operate a motor vehicle pursuant to
11 subsection B of this section.

12 2. While operating a motor vehicle, the person causes the death of
13 another person.

14 3. The person commits a violation of any of the following:

15 (a) Section 28-645, subsection A, paragraph 3, subdivision (a).

16 (b) Section 28-772.

17 (c) Section 28-792.

18 (d) Section 28-794.

19 (e) Section 28-797, subsection E- F, ~~or~~ G, H OR I.

20 (f) Section 28-855, subsection B.

21 (g) Section 28-857, subsection A.

22 B. For the purposes of this section, a person shall not operate a
23 motor vehicle if any of the following applies:

24 1. The person's driving privilege is revoked for any reason.

25 2. The person's driving privilege is suspended for any reason pursuant
26 to chapter 4, article 3 of this title.

27 3. The person's driving privilege is suspended pursuant to section
28 28-1321.

29 4. The person's driving privilege is suspended pursuant to the
30 department's action based on a previous conviction for a violation of section
31 28-3473.

32 5. The person's driving privilege is suspended pursuant to section
33 28-3306, subsection A, paragraph 3.

34 6. The person does one of the following to obtain a driver license:

35 (a) Knowingly uses a false or fictitious name.

36 (b) Knowingly makes a false statement.

37 (c) Knowingly conceals a material fact.

38 (d) Commits fraud.

39 (e) Violates section 28-3479.

40 C. Causing death by use of a vehicle is a class 4 felony.

41 Sec. 3. Section 28-676, Arizona Revised Statutes, is amended to read:

42 28-676. Causing serious physical injury by use of a vehicle;
43 classification

44 A. A person is guilty of causing serious physical injury by use of a
45 vehicle if all of the following apply:

1 1. The person is not allowed to operate a motor vehicle pursuant to
2 subsection B of this section.

3 2. While operating a motor vehicle, the person causes serious physical
4 injury, as defined in section 13-105, to another person.

5 3. The person commits a violation of any of the following:

6 (a) Section 28-645, subsection A, paragraph 3, subdivision (a).

7 (b) Section 28-772.

8 (c) Section 28-792.

9 (d) Section 28-794.

10 (e) Section 28-797, subsection ~~E~~ F, ~~or~~ G, H OR I.

11 (f) Section 28-855, subsection B.

12 (g) Section 28-857, subsection A.

13 B. For the purposes of this section, a person shall not operate a
14 motor vehicle if any of the following applies:

15 1. The person's driving privilege is revoked for any reason.

16 2. The person's driving privilege is suspended for any reason pursuant
17 to chapter 4, article 3 of this title.

18 3. The person's driving privilege is suspended pursuant to section
19 28-1321.

20 4. The person's driving privilege is suspended pursuant to the
21 department's action based on a previous conviction for a violation of section
22 28-3473.

23 5. The person's driving privilege is suspended pursuant to section
24 28-3306, subsection A, paragraph 3.

25 6. The person does one of the following to obtain a driver license:

26 (a) Knowingly uses a false or fictitious name.

27 (b) Knowingly makes a false statement.

28 (c) Knowingly conceals a material fact.

29 (d) Commits fraud.

30 (e) Violates section 28-3479.

31 C. Causing serious physical injury by use of a vehicle is a class 5
32 felony.

33 Sec. 4. Section 28-797, Arizona Revised Statutes, is amended to read:

34 28-797. School crossings; civil penalty; assessment; definition

35 A. The director, with respect to state highways, or the officer, board
36 or commission of the appropriate jurisdiction, with respect to county
37 highways or city or town streets, by and with the advice of the school
38 district governing board or county school superintendent may mark or cause to
39 be marked by the department or local authorities crosswalks in front of each
40 school building or school grounds abutting the crosswalks where children are
41 required to cross the highway or street.

42 B. The department or local authorities may approve additional
43 crossings across highways not abutting on school grounds on application of
44 school authorities and with written satisfactory assurance given the
45 department or local authorities that guards will be maintained by the school

1 district at the crossings to enforce the proper use of the crossing by school
2 children.

3 C. The manual prescribed in section 28-641 shall provide for yellow
4 marking of the school crossing, yellow marking of the center line of the
5 roadway and the erection of portable signs indicating that vehicles must stop
6 when persons are in the crossing. The manual shall also provide the type and
7 wording of portable signs indicating that school is in session and that the
8 civil penalty for a violation of this section will be doubled when the signs
9 are present and permanent signs that warn of the approach to school
10 crossings.

11 D. When the school crossings are established, school authorities shall
12 place within the highway the portable signs indicating that school is in
13 session. This placement shall be not more than three hundred feet from each
14 side of the school crossing. In addition, portable "stop when children are
15 in crosswalk" signs shall be placed at school crossings. School authorities
16 shall maintain these signs when school is in session and shall cause them to
17 be removed immediately when school is not in session.

18 ~~F.~~ E. Notwithstanding any other law:

19 1. An agency of appropriate jurisdiction may establish a school
20 crossing on an unpaved highway or street adjacent to a school when the agency
21 determines the need for the school crossing on the basis of a traffic
22 study. School crossings on unpaved highways and streets shall be marked by
23 the use of signs as prescribed in the manual prescribed in section 28-641.

24 2. A local authority may establish a school crossing at an
25 intersection containing a traffic control signal if the local authority
26 determines the need for a school crossing on the basis of a traffic study.

27 ~~E.~~ F. A vehicle approaching the crosswalk shall not proceed at a
28 speed of more than fifteen miles per hour between the portable signs placed
29 on the highway indicating "school in session" and "stop when children are in
30 crosswalk".

31 G. When a school authority places and maintains the required portable
32 "school in session" signs and "stop when children are in crosswalk" signs,
33 all vehicles shall come to a complete stop at the school crossing when the
34 crosswalk is occupied by a person.

35 H. A VEHICLE APPROACHING THE CROSSWALK SHALL NOT PROCEED AT A SPEED OF
36 MORE THAN FIFTEEN MILES PER HOUR BETWEEN THE PORTABLE SIGNS PLACED ON THE
37 HIGHWAY INDICATING "SCHOOL IN SESSION", "STOP WHEN CHILDREN ARE IN CROSSWALK"
38 AND "CIVIL PENALTY WILL BE DOUBLED".

39 I. WHEN A SCHOOL AUTHORITY PLACES AND MAINTAINS THE REQUIRED PORTABLE
40 "SCHOOL IN SESSION" SIGNS, "STOP WHEN CHILDREN ARE IN CROSSWALK" SIGNS AND
41 "CIVIL PENALTY WILL DOUBLE" SIGNS, ALL VEHICLES SHALL COME TO A COMPLETE STOP
42 AT THE SCHOOL CROSSING WHEN A PERSON IS IN THE CROSSWALK.

43 ~~H.~~ J. If a person is found responsible for a violation of SUBSECTION
44 F OR G OF this section, the person is subject to a civil penalty. ~~for the~~
45 ~~violation and, if the violation occurs during the time portable signs have~~

1 ~~been erected pursuant to this section, the person shall pay an additional~~
2 ~~assessment equal to the amount of that civil penalty. This assessment is not~~
3 ~~subject to any surcharge.~~

4 K. IF A PERSON IS FOUND RESPONSIBLE FOR A VIOLATION OF SUBSECTION H OR
5 I OF THIS SECTION, THE PERSON IS SUBJECT TO A CIVIL PENALTY AND SHALL PAY AN
6 ADDITIONAL ASSESSMENT EQUAL TO THE AMOUNT OF THE CIVIL PENALTY. THE
7 ADDITIONAL ASSESSMENT IS NOT SUBJECT TO ANY SURCHARGE.

8 ~~I.~~ L. The court shall collect the additional assessment IMPOSED
9 PURSUANT TO SUBSECTION K OF THIS SECTION at the same time the court collects
10 the civil penalty. Partial payments of the total amount due pursuant to this
11 subsection shall be divided according to the proportion that the civil
12 penalty, the penalty assessments levied pursuant to sections 12-116.01 and
13 12-116.02 and the additional assessment imposed pursuant to this section
14 represent of the total amount due. The court and the department shall treat
15 failure to pay the additional assessment imposed pursuant to this subsection
16 in the same manner as failure to pay a civil penalty, including taking action
17 against the person's driver license or permit or privilege to drive pursuant
18 to sections 28-1601, 28-3153 and 28-3305.

19 ~~J.~~ M. If a person is found responsible ~~for a violation of~~ PURSUANT TO
20 subsection ~~H- K~~ of this section in a justice court or superior court, the
21 court shall transmit monies received to pay the additional assessment to the
22 county treasurer. If a person is found responsible ~~for a violation of~~
23 PURSUANT TO subsection ~~H- K~~ of this section in a municipal court, the court
24 shall transmit the monies received to pay the additional assessment to the
25 city treasurer. The city or county treasurer shall deposit the monies
26 received to pay the additional assessment in a fund to pay for costs related
27 to enforcement of this section.

28 ~~K.~~ N. For the purposes of this section, "school in session", when
29 used either in reference to the period of time or to signs, means during
30 school hours or while children are going to or leaving school during opening
31 or closing hours.

32 Sec. 5. Effective date

33 This act is effective from and after December 31, 2008.

APPROVED BY THE GOVERNOR MAY 1, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2008.